REVENUE SECRETARIAT

Notification No. RD 519 LRM 75,
Bangalore, dated 20/22nd March 1978.

In exercise of the powers conferred by Section 187 of the Karnataka Land Reforms Act 1961 (Karnataka Act No. 10 of 1962) the Government of Karnataka hereby make the following rules, the draft of the rules having been previously published as required by sub-section (1) of the said Section in Notification No. RD 519 LRM 75 G. S. R. 67 dated 26th February 1977 Part IV Section 2C (i) of the *Karnataka Gazette*; namely

RULES

1. Title and commencement :—(1) These rules may be called the Karnataka Land Reforms (Amendment) Rules, 1978.

2. Amendment of Rule 4 :—In Rule 34 of the Karnataka Land Reforms Rules, 1974, for the words, figures and letters "within two years from the date of the acquisition or before 31st March of the year succeeding the year of acquisition, whichever is earlier" the words "within five years from the date of the acquisition" shall be substituted.

By Order and in the name of the Governor of Karnataka,

P. VASUDEVA RAO,
I/c. Asst. Spl. Officer for L. R. & Ex-Officio,
Under Secretary to Govt. Rev. Dept.

498—G. S. R. 95

NOTIFICATION

No. RD 60 SRG 78 Bangalore, Dated 27th March 1978.

The draft of the following rules which the Inspector General of Registration and Commissioner of Stamps, proposes to make in exercise of the powers conferred by Clause (g)(ii) of sub-section (1) of Section 69 of the Registration Act 1908 (Central Act XVI of 1908) with the approval of Government as required by Sub-Section (2) of the said Section are hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the draft rules will be taken into consideration on or after 1st May 1978.

Any objection or suggestion which may be received from any person with respect to the said draft rules by the State Government before the date specified above will be considered by the Government. Objection or suggestions may be addressed to The Revenue Commissioner and Secretary to Government, Revenue Department, Vidhana Soudha, Bangalore-560001.

DRAFT RULES

1. *Short title and Commencement.*—(1) These rules may be called the Karnataka Registration (Deed Writers' Licence) Rules, 1978.

(2) They shall come into force at once.

2. *Definition.*—In these rules, unless the context otherwise requires,—

(i) "Deed Writer" means a person engaged in the profession of preparing or writing deeds for registration, which includes the work of conveyancing investigation of title, preparation of draft deed and engrossing deed on stamp paper.

(ii) "Form" means a form appended to these Rules.

(iii) "Licence" means a Deed Writers' Licence granted under these rules.

(iv) "Licensing Authority" for the purpose of these rules shall in respect of each District or sub-district be the concerned District Registar.

3. *Licence to whom granted.*—(1) Subject to the provisions of these rules and payment of the fee prescribed a deed writers licence may be granted.—

(i) to any retired officer of the Judicial Registration or Law Department of the Karnataka State, not below the rank of a Class III Officer.

(ii) any person who has passed the deed writers licencing test;

or

(iii) any person who on the date of the commencement of these rules was in possession of a documens writers licence granted to him under the rules for licencing document writers in force in Belgaum Area.

or

(iv) any other person who proves to the satisfaction of the licencing authority that he has continuously practised as a document writer in the State of Karnataka for a period of not less than five years immediately preceding the date of commencement of these rules.

(2) A licence under these rules may be granted in respect of a district, or a sub-districts or both.

4. *Disqualification.*—(1) A licence shall not be granted to a person.—

(a) if he is a minor;

(b) if he has been declared by a competent court to be of unsound mind.

(c) if he is undischarged insolvent or being discharged insolvent has not obtained from the court which adjudged

him as insolvent, a certificate that his insolvency was caused by misfortune without any misconduct on his part;

(d) in the case of an advocate or pleader, if he has been dismissed or is under suspension, from practising as such by order of any competent court.

(e) If he has been convicted by a Criminal court; for an offence involving moral turpitude before the expiry of three years from the date of conviction or before expiry of the period of sentence whichever period expires later.

(f) if he is a deaf mute.

(g) if he is a leper.

(h) in the case of a retired officer, if his retirement had been the result of misconduct.

(i) if his licence has at any time been cancelled and the order cancelling the licence has not been quashed by competent authority.

(j) if he is a licensed stamp vendor.

(k) if he is an officer retired from Government service whose pension has been withheld either wholly or in part due to his misconduct or negligence and such period for which the pension is so withheld has not expired.

(2) In the case of refusal to grant the licence, the Licensing Authority shall record his reasons for the same and communicate a copy of the order to the person applying for licence.

(3) *Application for licence.*—(1) An application for a Deed Writers Licence shall be in Form A, and that for a renewal in Form B and shall be accompanied by the prescribed fee.

6. *Mode of application.*—(1) Application for Deed Writer's Licence or for a renewal thereof, shall be presented in person or by agent or sent by registered post to the Sub-Registrar under whose jurisdiction the applicant resides or to whose office he desires to be attached primarily.

(2) All applications received by the Sub-Registrar shall be forwarded with his remarks to the Licencing Authority with his recommendation.

7. *Issue of licence.*—(1) Licences granted by the Licensing Authority will be issued through the Sub-Registrar to whom the application for licence was sent or presented.

(2) The deed Writer's Licence shall be in Form C.

(3) If a licence is lost or destroyed a duplicate may on adequate proof of such loss destruction be issued to the licensee on payment of a fee of rupee one.

(4) (a) The Licence issued to a Deed Writer shall unless renewed expire at the end of one calendar year, or on the 31st March of a calendar year whichever is earlier. The applications for renewal

shall be made through the concerned Sub-Registrar to the Licensing Authority in Form B on or before the 1st day of March every year and any renewal granted by the Licensing Authority shall be endorsed on the back of the licence.

Provided that the Licencing Authority may for sufficient cause shown condone the delay in making the application for renewal

(b) A licencee shall not be renewed

(i) If the licence fails or has failed to observe any of the conditions of the licence or contravenes any of the provisions of these rules or is found guilty of disobedience of any order passed under these rules or.

(ii) during the period for which the licence has been suspended or after acquiring the licence, the licencee becomes disqualified for grant of a license under Rule 6.

(5) In the case of refusal to renew the licence, the Licencing Authority shall record his reason for the same and communicate a copy of the order to the person concerned.

8. *Appeal*—An appeal against an order refusing the grant or renewal of the licence shall lie to the Inspector General of Registration and Commr. of Stamps within a period of sixty days from the date of communication to the person concerned of the order refusing the grant or renewal. The order of the Inspector General of Registration will be final

9. *Fees.*—(1) Fees at the following rates shall be levied on the application for Deed Writers Licence and for their yearly renewals.—

Deed writer's Licence.—		
Fee for one Sub District	...	Rs. 25
Fee for one Distrct Deed Writer's Licence renewal	...	Rs. 50
Fee for one Sub-District	...	Rs. 5
Fee for one District	...	Rs. 6

(2) The fee shall be remitted into any Treasury and the challan receipt shall be attached to the application.

(3) If the licence or renewal thereof is refused, the fee remitted shall be refunded to the application.

10. *Conditions attached to the Deed Writer's Licence.*—The following conditions shall be deemed to be attached to the Deed writers Licence

(a) That the Licencee shall abide by the rules relating to the licensing of Deed Writers.

(b) That he shall not demand or receive any fees in excess of the amount provided in the schedule of fees appended to these rules for the services rendered by him as a document Writer.

(c) That he shall exhibit the schedule of fees in a conspicious place in his Office.

(d) That he shall maintain the registers, receipt books and other records prescribed by these rules to be maintained or required to be maintained by the Licensing Authority from time to time.

(e) That he shall render true and correct accounts of the moneys he received from the parties.

(f) That he shall write documents legibly and in accordance with the instructions that may be issued from time to time by the Licensing Authority.

(g) That he shall write or clause to be written deeds carefully, properly and in clear and unambiguous terms.

(h) That he shall obey all directions that may from time to time be issued by the Licensing Authority regarding the preparation or transcription of documents.

11. *List of the deed Writers to be published*.—The license numbers and the full name of Deed Writers for the whole district and the Sub-District concerned, shallbe published on the notice board in each Sub-Registry Office.

12. *Deeds how written*.—Every deed Writer shall obey the directions that may from time to time be issued by the Licensing Authority with regard to the use of stamp papers and other papers in the preparation of deeds for registration.

13. *Attestation of Deeds*.—Every deed prepared by a Deed Writer shall be attested by him in the following manner, namely.—

Prepared by (Name in Full) with License No. of Licensed Deed Writer and Writer and signature.

14. *Registers*..—A deed Writer shall maintain.—

(1) a register in Form D and (2) a receipt book with counterfoil in Form E and shall give receipts for all moneys received on account of work connected with every deed prepared by him.

15. *Inspection of Records*.—The Register and Receipt book shall at all times be open to inspection by the officers of the Department who shall initial them after inspection. The licence shall also be produced for inspection on demand by the District Registrar, Inspector General of Registration, Inspector of Stamps and the Licensing Authority.

16. *Powers and Duties of Licensing Authority*.—The Licensing Authority shall have power to.

(a) grant licences to Deed Writers.

(b) renew licences.

(c) Cancel, revoke or suspend licences granted under the rules;

(d) Issue to the Deed Writers such directions as may be necessary for effectively carrying out the purposes of these Rules.

17. The District Registrar shall be competent, to renew the District and Sub District Licences.

18. The Licensing Authority shall keep a Register in Form F for Deed Writers.

19 *Deed Writer's Licensing Test*.—(1) An Examination to be called "The Deed-Writers Licensing Test" shall be conducted by the Inspector General of Registration. The time and place of the examination and the language in which candidates will be examined shall be notified in the Gazette.

(2) The test shall consist of an examination in the Stamp and Registration Laws and also in conveyancing or the drafting of document and any other subject, which may be prescribed by the Inspector General of Registration.

(3) The test shall be conducted at such times and in such manner as may be notified in the Gazette.

(4) An examination fee of Rs. 5-00 shall be levied on each application for admission to the Deed Writers Licensing Test.

20. *Qualification*.—A pass in the VIII standard or similar examination will be minimum qualification for admission to the Deed Writers Licensing Test.

21. *Application*.-Application for admission to the Deed Writers Licensing Test shall be sent to such authority in such manner, and in such form as may be notified in the Gazette.

22. *Suspension of Deed Writers Licence*.—(1) A licence granted under these rules to a Deed Writer may be suspended by the Licensing authority for a period which shall be specified in the order of suspension if he

(i) fails to maintain the registers and to issue receipts regularly as required by Rule 17;

(ii) has acted as a tout;

(iii) contravenes any of the provisions of these rules or any of the conditions of his licence or is found guilty of disobedience to any lawful order passed under these rules:

(iv) is found guilty of any abetment of or participation in any illegal transaction or dealings with the staff attached to the registration offices;

(v) Conducts or behaves himself improperly in the registration offices.

(2) No such licence shall be suspended under sub-rule (1), unless the Deed Writer concerned has been given an opportunity of

being heard. The order of such suspension shall also be communicated to him.

23. *Cancellation of Deed Writers Licence.*—A licence granted under these rules to a Deed Writer may be cancelled by the licensing authority, if

(a) his licence has been suspended three times during the course of two consecutive years;

Provided that where the suspension of the licence is for demanding or receiving fees in excess of the amounts specified in the schedule of fees, the licence may be cancelled if it has been suspended twice during the course of two consecutive years.

(b) he becomes disqualified on any of the grounds specified in rule 4.

(c) No such licences shall be cancelled under sub-rule (1) unless the Deed Writer concerned has been given an opportunity of being heard. The order of such cancellation shall also be communicated to him.

24. *Power of suspension or cancellation of a licencee.*— The power to suspend or cancel any licence granted under these rules shall lie in the Licensing Authority concerned.

25. *Appeals:*—An appeal shall lie to the Inspector General of Registration against any order of suspension or cancellation of a deed writers licence within a period of sixty days from the date of communication of the order. The Order of the Inspector General of Registration shall be final.

26. *Repeals:*—The Bombay Document Writers Licence Rules are hereby repealed ;

Provided that the repeal shall not affect the previous operation of the rules so repealed or anything duly done or suffered thereunder :

Provided further that anything done or any action taken or orders made or notification or directions issued shall be deemed to have been taken made or issued or done under the corresponding provisions of these rules.

By Order and in the name of the Governor of Karnataka,

A. S. PATIL,
I/c Under Secretary to Government, R. D.

SCHEDULE OF FEES

(See Rule 10)

Deed Writer's Fees		Maximum fees Rs.
(i)	When the value or the consideration specified in the deed does not exceed Rs. 100	2
(ii)	When such value exceeds Rs. 100 but does not exceed Rs. 500	3
(iii)	When such value exceeds Rs. 500 but does not exceed Rs. 1,000	5
(iv)	When such value exceeds Rs. 1,000 but does not exceed Rs. 2,000	10
(v)	When such value exceeds Rs. 2,000 but does not exceed Rs. 3,000	15
(vi)	When such value exceeds Rs. 3,000 but does not exceed Rs. 4,000	20
(vii)	When such value exceeds Rs. 4,000 but does not exceed Rs. 5,000	25
(viii)	When such value exceeds Rs. 5,000 but does not exceed Rs. 10,000	30
(ix)	When such value exceeds Rs. 10,000 but does not exceed Rs. 50,000	50
(x)	When such value exceeds Rs. 50,000 but does not exceed one lakh.	75
(xi)	When the value exceeds Rs. One Lakh and above	100
(xii)	For the preparation of a deed falling under Articles IV of the Table of Fees prescribed under Section 78 of the Act	6
(xiii)	When the schedule of properties contains more than five items, besides the fees prescribed above for every five items or part thereof, an additional fee of Rs. 2 may be levied	
(xiv)	In the case of the following deed namely :— 1. Agreements relating to immovable property 2. Agreements relating to deposit of title deeds pawn or pledge 3. Appointment in execution of a power 4. Awards 5. Composition deed 6. Partition 7. Partnership including dissolution of partnership 8. Settlement and 9. Trust	

An additional fee of Rs. 25 percent on the fees specified in Item (i) to (xii) above may be levied.

FORM—A
(Rule 5)

APPLICATION FOR DEED WRITERS' LICENCE

1. Name of the appl cant :
2. Addres of the aplicant :
   i) Perranent addrees
   ii) Local address.
3. Father name of the applicant :
4. Age and date of birth.
5. Educational qualifications if any whether he has passed the Deed writers Licensing Test.
6. Service as deed Writ r with approximate No of deed prepared and pr sented for registration duri g the past one year.
7. If Advocate Pl ader or retired G vernmen servan : particulars with length of service at the Bar or under Gove nment.
8. Nature of licence a plied for whether it is for a Sub-District (to be named) or for a dis rict (to be name).
9. State here am unt, No. and date of challan receipt and the name of tr asury.
10. Has an applica ion for lic nce ever been refused. If so, when and for what reason give particulars.

DECLARATION

I.....do hereby solemnly declar that I have not been declared to be of unsound mind or convicted fo any offence involving moral turpitude or adjudged as insolvent by any court of competent jurisdiction and that the information and particulars furnished herein and true and correct to the best of my knowledge and belief, that the Licence for which I hereby apply will be used only by myself.

Date
Place
Encl: Challan receipt.

Signature

Note.—The Licence issued on the strength of this application is liable suspension or cancellation at any time if it is found that any information or particulars furnished in the application are false untrue or incorrect.

No.

Sub-Registry Office.
Dated

RECOMMENDATION

Sub-Registrar.

To
The District Registrar

ORDER

Licence No.

District Registrar
Date
Issued on
Dist ict Registrar

FORM E

(Rule 5)

Application for renewal of Deed-Writer's License.

1. Name of the Applicant :
2. Address of the applicant :
   i) Permanent address
   ii) Local address.
3. Further name of the applicant.
4. Changes in local address (to be specified with details as column 2)
5. Details of License No.
6. Period for which renewal is sought
7. Date of last renewal.
8. Amount No. and date and name of treasury of challan receipt.

DECLARATION

I (Full name.....) do hereby solemnly declare that I have not been declared to be of unsound mind or convicted for any offence involving moral turpitude or adjudged as insolvent by any court or competent jurisdiction during the past.

Place
Date

Signature.

Encl : Challan receipt

Note.—The renewal made on the strength of this application is liable to suspension or cancellation at any time if it is found that any information or particulars furnished in the application are false or untrue or incorrect.

Sub-Registry Office.

No.

Dated.

Recommendation.

To

Sub-Registrar

The District Registrar.

ORDER

Renewed to be in force till

District Registrar

District Registrar

FORM 'C'
(Rule 7)

DEED WRITERS LICENCE

Number of Licence :
Name of Deed-Writer :
Address :

The aforesaid ..... having paid the necessary fees and having made the necessary declaration is hereby authorised to practice as a deed-writer attached to the Sub-Registery Office, Registration District, State.

Office of the District Registrar

Dated the day of
District Registrar.

Signature of the License holder
(to be made as soon as the Licence is received)

CONDITIONS

(a) The Licensee shall abide by the rules relating to the Licensing of deed-writers.

(b) He shall not demand or receive any fees in excess of the amounts specified in the Schedule of fees appended to the rules for the services rendered by him as a deed writer.

(c) He shall exhibit the schedule of fees in a conspicuous place in his office in the regional language.

(d) He shall maintain the registers, receipt-books and other records prescribed by the rules to be maintained or that or that may be required to be maintained by the Licensing Authority.

(e) He shall not demand or accept any sum from parties in the name of any person or persons connected with the Registration Office.

(f) He shall render true and correct accounts of the moneys he receive d from the parties.

(g) He shall write to cause to be written deeds legibly and in accordance with the instructions that may be issued from time to time by the Inspector-General of Registration.

(h) He shall instruct the parties or their duly authorised agents or holders of powers of Attorney to present deeds or petitions and to pay the fees themselves direct to the Registering officer and not through any other agency.

(i) He shall write deeds carefully properly and in clear and unambiguous term.

(j) He shall obey any directions that may from time to time be issued by the Licensing Authority regarding the preparation or transcription of deeds for registration.

Note : The licensee will be liable to suspension or cancellation for a breach of any of the above conditions.

FORM D
(Rule 14)

REGISTER OF DEEDS

Prepared in the office of (Name of Deed-Writer) Holder of Licence No.
attached to the office of .....

1	2	3	4	5	6	7	8	9	10	
Sl No.	Date	Name of party (Executant or claimant) of the deed	Nature of deed	Value of consideration Rs. P.	Book of Deed Writer	Name of the Sub-Registrar's Office of Registration	Date of return of document of the Sub-Registrar if endorsed	Deed Writers name	Signature of the Party in token of receipt of deed with date	Remarks

Form E

(COUNTERFOIL) Rule 14

No.

Received from the sum of Rs.
(In words) It has been dealt with as shown hereunder.

(a) Value of (a) Stamp paper
(b) Other paper

(b) Search fee (1) Paid to the Department
(2) Deed-Writer's remunerations

(c) Fee for conveyancing

Total

Excess amount returned to party Deed No.....
If known, with the office of Registration.

Deed-Writer.

Form K

(Rule 14)

Station :
Date :

Form F
(Rule 18)

REGISTER OF DEED-WRITERS LICENSE

Sl. No.	License No.	Date	Name of Licensee	Address	Licence Valid for		Remarks	Date of posting with date
					District	Sub-District	renewal	

By Order and in the name of the Governor of Karnataka,

A. S. PATIL,
I/C Under Secretary to Government, R. D.